



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHERYL LANIER et al.

Serial No.: 09/473,853

Filed: December 29, 1999

For: SYSTEM AND METHOD FOR UTILIZING AN
EXCLUSION LIST DATABASE FOR CASINOS (As
Amended)

Attorney Docket No.: FDC 0143 PUS

Group Art Unit: 3624

Examiner: C. Kyle

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REPLY BRIEF UNDER 37 C.F.R. § 1.193

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This Reply Brief is in reply to the Examiner's Answer mailed on April 7, 2003. The Examiner's Answer is in response to the Appeal Brief filed by the Applicant on January 15, 2003.

Applicant's Reply to (11) Examiner's Response to Argument

The Applicant respectfully traverses the Examiner's position that the Applicant has not recognized the source of the problem. As indicated in the "Argument" section of the Appeal Brief, a *prima facie* case of obviousness has not been established if

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references A and B do not teach the source of the problem, and the recognition of the source of the problem is what is unobvious. *In re Kaslow*, 707 F.2d 1336 (Fed. Cir. 1983). The Applicant believes that neither Templeton nor Regulations teaches the source of the problem.

As described in the patent application and section 4 of the "Argument" of the Appeal Brief, the problem is that excluded individuals are present in a gambling establishment. These excluded individuals may be non-criminal individuals who have voluntarily placed themselves on the exclusion list because of a gambling addiction. The source of this problem is that such excluded individuals are present in the gambling establishment because they have cash obtained from cashing good, non-counterfeited checks. These excluded individuals are able to cash their checks when presenting them for cashing in a gambling establishment because it is too cumbersome for the gambling establishment to manually compare their identification (such as name, driver license, etc.) to the exclusion list. The Applicant has recognized this source of the problem and has attempted to remedy the problem at its source with the claimed invention.

The claimed invention compares the scanned checking account identifier associated with an individual presenting a check at a gambling establishment with checking account identifiers associated with the list of excluded individuals. If there is a match indicating that the individual presenting the check is to be excluded from gambling, then the gambling establishment will not cash the check. As a result, the excluded individual will likely not have cash to gamble and will likely leave the gambling establishment.

Templeton teaches a check acceptance system which differentiates between good and bad checks provided by individuals. The system includes a database of bad check data associated with the individuals and accesses this database to determine if an individual may be presenting a bad check. As such, Templeton teaches to identify individuals who are bad check writers. Regulations teaches a gambler's exclusion list including a Mr. DeSimone who is listed for passing bad, counterfeited checks. Therefore, Templeton's system would identify Mr. DeSimone as a bad check writer if Mr. DeSimone presented a

check for cashing in a gambling establishment regardless of whether Mr. DeSimone is an individual to be excluded from being present in the gambling establishment.

Accordingly, it would not be obvious to combine Templeton with Regulations because neither reference teaches the source of the problem of excluded individuals being present in gambling establishments with the source of this problem being that the excluded individuals are present in the gambling establishments because they have cash as a result of cashing good checks.

On page 5 of the Examiner's Answer, the Examiner posited that Templeton teaches a method of providing identification information about a person within a method of detecting bad checks and that Regulations teaches a need to identify individuals to be excluded from gambling establishments for such reasons as passing bad checks. (Emphasis added.) The individual identification information provided by Templeton is with respect to whether the individual is a bad check writer. If so, then the check is not cashed because it is likely that the check is a bad check. Again, it would not be obvious to combine Templeton with Regulations because Templeton does not look to whether the individual is an individual to be excluded from being present in a certain location. Rather, Templeton looks to whether the check is good or bad.

Similarly, Regulations looks to excluding Mr. DeSimone from the gambling establishment and also not letting Mr. DeSimone cash any checks. As such, Regulations does not look to identifying Mr. DeSimone's presented check as good or bad because Mr. DeSimone is not to cash any checks. Therefore, it would not be obvious to combine Regulations with Templeton because Regulations does look to identifying Mr. DeSimone's presented check as good or bad.

For the foregoing reasons herein and in the Appeal Brief, the Applicant respectfully submits that the claimed invention is patentable over Templeton and Regulations under 35 U.S.C. § 103(a).

Respectfully submitted,

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